Remarks

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1, 2, 7-23, 28-33, and 37, 38, 40, and 41 are currently pending, of which claims 1, 22, 37, 38, 40, and 41 are independent.

By this paper, Applicant has amended claims 1, 9, 22, 30, 37, 38, 40, and 41. Support for the amended claims can be found in the application as originally filed. Accordingly, no new matter has been added.

In the Office Action, claims 1, 2, 7-15, 17-19, 21-23, 28-33, 37, 38, 40, and 41 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 6,993,246 to Pan et al., in view of U.S. Patent No. 6,453,355 to Jones et al. Claim 16 was rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Pan et al., in view of Jones et al., and further in view of U.S. Patent No. 7,149,755 to Obrador. Claim 20 was rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Pan et al., in view of Jones et al., and further in view of U.S. Patent Application Publication No. 2003/0033325 by Boogard. Applicant submits that the cited art, whether taken individually or in combination, fails to teach or suggest many features of Applicant's invention, as previously recited in the claims. Therefore, Applicant respectfully traverses these rejections.

Nevertheless, in order to expedite prosecution, Applicant has amended each of independent claims 1, 22, 37, 38, 40, and 41 in order to amplify the distinctions between the claimed invention and the cited art.

Pan et al. discloses a method and system for correlating data streams in which events in a first data stream are correlated with events in a second data stream based on a method of indexing. According to Pan et al., as information of a first and second data stream are stored to a second data file, the data streams are monitored for certain trigger events. An informational data set then is generated and stored in an index file for each detected trigger event. See Pan et al., Abstract.

At pages 3-4 of the Office Action, the Examiner asserts that Pan et al. teaches "storing data, as one or more data samples *(i.e. event e1, ... event e6; event f1 ... Event f5; See Fig. 2)*, in a media file *(i.e., data stream #1, data stream #2, Fig. 2; that event was stored in the data file, col. 2, lines 58-64)*" and "additional information *(i.e. data pointer, time, See Fig. 2)* interspersed throughout the media file *(i.e. correlating data among multiple data streams based on a use of time-stamps and related positional information, col. 1, lines 46-58)*, wherein the additional information comprises at least a timestamp *(i.e. time; See Fig. 2)* for each of the data samples *(i.e. event e1, ... event e6; event f1 ... event f5; See Fig. 2)*." Applicant notes, however, that the data pointers (e.g., data ptr = 500) are stored in the index files, as can be clearly seen from Fig. 2 of Pan et al. For example, Pan et al. discloses at column 2, lines 20 to 25 that "[f]or each detected event in a data stream, a data set is maintained in an index file. Preferably, each data set includes a time-stamp indicating when an event was detected and a corresponding data pointer indicating a location where the data associated with the corresponding event is stored in the data stream or data file." Pan et al. further discloses at column 4, lines 34 to 42 that "[s]equences of event-data pointer pairs form the inputs to event-data pointer logger 250. The logger assigns a unique time stamp $T_{i,j}$ to each pair $(E_{i,j}, P_{i,j})$. The resulting event-data pointer record 152, $(E_{i,j}, P_{i,j}, Ti,j)$, is then stored in a data stream index file #1 235. There is usually one index file for

each data stream. In a similar manner, an event-data pointer record can be produced and stored in data stream index file #2 285 for second data stream 255."

Applicant thus submits that Pan et al. does not teach or even suggest inventive features of independent claim 1, such as "storing data, as one or more data samples, in one or more media files configured for use by a media player application in playing the data samples" and "each of the media files further comprising additional information interspersed throughout that media file, the additional information comprising at least a timestamp for one or more of the data samples." Nor does Pan et al. teach or suggest similar inventive features of independent claims 22, 37, 38, 40, and 41.

Moreover, the Office Action, at page 4, acknowledges that Pan et al. does not teach the claimed feature "wherein the additional information of the media file is used in reconstructing the index file upon corruption of the index file, said reconstructed index file comprising said offset values representing the locations of each of said data samples in said media file." For this feature, the Examiner looks to Jones et al. Applicant submits, however, that Jones et al. does not teach or even suggest this feature. In fact, Jones et al. actually teaches away from this particular claimed feature in disclosing that "the receiving system may optionally reassemble the media file if the media file as received has been stored on the receiving system." See Jones et al., column 8, lines 58 to 60.

Jones et al. teaches, at column 7, lines 39 to 42, that a digital processing system creates a set of data for indicating how to transmit a time related sequence of media data according to a transmission protocol. Then, at column 7, lines 50 to 54, Jones et al. discloses that a server computer system coupled to a network will create the set of data, which may be referred to as a hint track and will store this hint track in a storage device which is coupled to the server

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computer system. Further, at column 8, lines 7 to 9, Jones et al. teaches that a digital processing system, such as a server computer system, creates and stores the hints for packetizing a time related sequence of media data.

Accordingly, Applicant submits that the hints of Jones et al. are used for packetizing the media data and not for reconstructing of an index file upon corruption of the index file -- the latter of which is a feature of each of independent claims 1, 22, 37, 38, 40, and 41.

Jones et al. also teaches, at column 8, lines 12 to 25, that the packetization allows the transmission over a network or communication media according to the desired transmission protocol which was determined in step 303. The hints are stored as a track of time related sequence of hints which refers to but is separate from other tracks of media data. Jones et al. discloses that the track of hints may be stored separately from the media data to which it refers. In particular, Jones et al. discloses that the track of hints may be stored in a file which is distinct from another file containing the media data which is referred to by the track of hints.

Jones et al. further teaches, at column 8, lines 33 to 40, that the data, which is packetized according to the hints, is transmitted from a transmitting system, such as a server computer system, to a receiving system. Jones et al. discloses that the server computer system may decide not to use the hints and to send the media data by an alternative packetization process.

Accordingly, Applicant submits that only the media data of Jones et al. is packetized and transmitted from the transmitting system to the receiving system.

Jones et al. then teaches, at column 8, lines 41 to 49, that the receiving system presents the media object which is represented by the media data. This presentation is performed as the packetized data is received at the receiving system. Jones et al. discloses that the packetized data may, but need not be, stored on the receiving system. Accordingly, again, Jones et al. teaches

that it is only the media data that is transmitted from the transmitting system to the receiving system.

Then, at column 8, lines 58 to 60, Jones et al. teaches that the receiving system may optionally reassemble the media file if the media file as received has been stored on the receiving system. Accordingly, Applicant submits that it is the media file of Jones that is reassembled -- and not an index file. Further, such an index file is not used in reassembling the media file of Jones et al. Rather, Jones et al. merely states that the media file may be optionally reassembled if the media file as received (i.e., without the track of hints) has been stored on the receiving system.

Applicant further submits that Jones et al. does not teach or even suggest the claimed feature that "the reconstructed index file replaces the index file associated with the one or more media files." The reassembled media file of Jones et al. may be stored at the receiving system. However, the track of hints is stored on the transmitting system. Accordingly, the reassembled media file does not replace the track of hints stored on the transmitting system or indeed the media file stored on the transmitting system.

For at least the foregoing reasons, independent claims 1, 22, 37, 38, 40, and 41 are believed to be allowable over Pan et al. and Jones et al.

Applicant further submits that neither Obrador nor Boogaard, which were cited against dependent claims 16 and 20, respectively, remedy the aforementioned deficiencies of Pan et al. and Jones et al.

For the foregoing reasons, Applicant submits that the cited art, whether taken individually or in combination, fails to teach or suggest the invention recited in independent claims 1, 22, 37, 38, 40, and 41. Accordingly, those claims should be deemed allowable over the cited art.

Dependent claims 2, 7-21, 23, and 28-33 also should be deemed allowable, in their own right, for defining other patentable features of the present invention in addition to those recited in their respective independent claims. Further individual consideration of these dependent claims is requested.

Applicant submits that the subject application is in condition for allowance. Favorable reconsideration, withdrawal of the rejections set forth in the Office Action, and an early Notice of Allowance are requested.

Applicant's undersigned attorney can be reached in the Washington, D.C. office of Fitzpatrick, Cella, Harper & Scinto by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

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